APPENDIX K

[Filed Oct. 22, 2004]

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CLIFTON MAXWELL,	No. 02-55143
Petitioner - Appellant,	D.C. No. CV-01-00131-VAP Central District of California Riverside
v.	
ERNIE ROE, WARDEN,	
Respondent - Appellee.	ORDER

Before: HUG, B. FLETCHER, and WARDLAW, Circuit Judges.

We grant the State's motion to recall the mandate and amend our disposition to clarify the reasons why we hold that a district court hearing is appropriate in this case.